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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/554,172	10/24/2006	Jacobo Mugica Miguel	15053.0016USWO	7642
23552	7590	10/07/2008		
MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			EXAMINER NGUYEN, TAM M	
			ART UNIT	PAPER NUMBER
			3764	
			MAIL DATE	DELIVERY MODE
			10/07/2008 PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/554,172

**Applicant(s)**

MUGICA MIGUEL ET AL.

**Examiner**

TAM NGUYEN

**Art Unit**

3764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 March 2008.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 and 8 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-5 and 8 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 10-21-05 & 9-19-07 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/SI/08)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “elastically deformable anchoring system” must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The disclosure is objected to because of the following informalities:

In the Abstract, in line 2, is the phrase "means for supporting".

In page 3, on line 25, is the phrase "same section". It should be deleted and replaced with --same cross section--.

Appropriate correction is required.

### ***Claim Objections***

3. Claims 1 and 2 are objected to because of the following informalities:

In claim 1, on line 2 is the term "belts". It should be replaced by --belt--.

In claim 2, on line 2 is the phrase "a shaft". It should be replaced with --the vertical column-- for improved clarity of the subject matter.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claim 4 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. With regard to claim 4, the specification does not disclose how "specific road traffic conditions" is reproduced. For example, how is an uphill terrain reproduced?

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 2 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 2 recites the limitation "the transverse bars" in line 4. There is insufficient antecedent basis for this limitation in the claim. The phrase should be changed to --transverse bars-- with the article "the" preceding it for a simple correction.

As to claim 8, the phrase "the central support is connected to a pedal set casing" implies that the pedal set casing is part of the invention, when in actuality, it is not. The phrase should be amended to clarify that the central support is adapted to be connected to or adapted to support a pedal casing.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

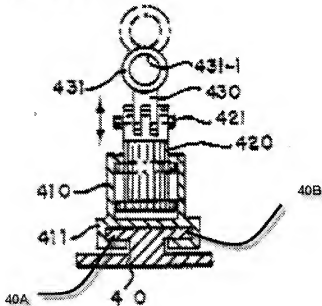
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim (4,925,183) in view of Lim et al. (6,332,480).

6. As to claims 1, 3 and 8, Kim discloses a training bench having a framework that includes two or more longitudinal bars (200R,200L), rotational rollers or a belt (250) located between the bars and a central support, that can be connected to a pedal set casing of a bicycle, that: includes a platform (411) connected to the framework with transverse bars or guides (40A,40B) on which the platform can move in a free or regulated manner and an anchoring system (410,430) serving as a holding base for holding a vertical column (420) and providing a support means for the frame of a bicycle on a free end of the vertical column and the anchoring system acting as an absorption member to control the movement of the bicycle relative to the platform and framework (see Fig. 10 below and Figs. 9 & 11). Kim does not disclose that the anchoring system is elastically deformable. Lim et al. disclose an exercise device having a deformable anchoring system for supporting a bicycle wherein the anchoring system includes a pair of elastically deformable springs (180) (see Fig. 1). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Lim's springs with

Kim's anchoring system to provide a means for biasing the vertical column back to center following side to side swaying motion due to pedaling of a bicycle on the bench during exercise to enhance the outdoor riding simulation experience.

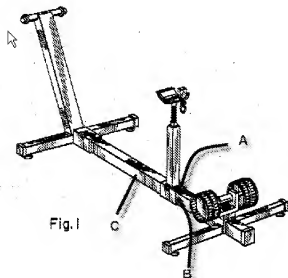
FIG. 10



Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kim (4,925,183) in view of Lim et al. (6,332,480) and in further view of Bryne (D273,882).

7. As to claim 2, Kim and Lim disclose a modified training bench as described above. Kim does not disclose that the platform has one or more parallel through bores for receiving transverse bars to allow the platform to slide therein. Bryne discloses a bicycle trainer having a platform (A) with a through bore (B) for receiving a bar (C) to allow the platform to slide on the bar (see Fig. 1 below). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to substitute Kim's platform and transverse bars with Bryne's platform having a bore to further stabilize the

coupling means between the bicycle and the training bench since the bore would fully encircle the transverse bar to further strengthen the connection between the bar and the platform.



Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kim (4,925,183) in view of Lim et al. (6,332,480) and in further view of Ewert '243.

8. As to claim 4, Kim and Lim disclose a modified training bench as described above (see discussion of claim 1). Kim does not disclose a computerized motor brake system in the rollers to provide for adjustable resistance. Ewert discloses a bicycle trainer a computerized motor brake system in a roller (42) (see Fig. 1 & Col. 6, lines 40-50). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Ewert's motor brake system with a roller of Defaux's bench to provide the user with an adjustable braking means for replicating road conditions such as an incline.



Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kim (4,925,183) in view of Lim et al. (6,332,480) and in further view of Yamasaki et al. '382.

9. As to claim 5, Kim and Lim disclose a modified training bench as described above (see discussion of claim 1). Kim does not disclose that the movement of the central platform on the transverse guide or the elastic anchoring system is controlled by computerized servomechanisms. Yamasaki et al. disclose a riding simulation system that utilizes a computerized servomechanism/motor ((190) for moving components of the system to simulate riding (see Col. 18, line 59- Col. 19, line 2). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Yamasaki's computerized servomechanism with Kim and Lim's training bench such that the mechanism could be programmed to move the platform along the transverse bars and actuate the elastic anchoring system to simulate various lateral pedaling forces during exercise to provide the user with a more realistic outdoor cycling simulation experience.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wun '818 and Chang '577 each disclose exercise devices having bicycle anchoring means that include elastically deformable supports.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TAM NGUYEN whose telephone number is (571)272-4979. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, LoAn Thanh can be reached on 571-272-4966. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

September 30, 2008

/Tam Nguyen/  
Examiner, Art Unit 3764

/LoAn H. Thanh/  
Supervisory Patent Examiner, Art Unit 3764